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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 FIDELITY AND DEPOSIT COMPANY
9 OF MARYLAND, a Maryland corporation,

10 Plaintiff,

11 vs.

12 BIG TOWN MECHANICAL, LLC, etc., *et al.*,

13 Defendants.

Case No. 2:13-cv-00380-JAD-GWF

ORDER

14 This matter is before the Court on Plaintiff's Motion to Reopen Limited Discovery (ECF
15 No. 276), filed on September 5, 2017. Defendant Travelers Casualty and Surety Company of
16 American ("Travelers") filed its Response (ECF No. 282) on September 19, 2017. Third-Party
17 Defendant Controlco filed its Response (ECF No. 283) on September 19, 2017 and Plaintiff filed
18 its Reply (ECF No. 284) on September 21, 2017.

19 On April 14, 2017, Third-Party Defendant Controlco filed its emergency motion to extend
20 discovery deadlines. ECF No. 167. On April 26, 2017, the Court granted the motion to extend
21 discovery deadlines setting September 7, 2017 as the discovery cut-off deadline and October 9,
22 2017 as the dispositive motion deadline. ECF No. 192. On May 31, 2017, the Court granted
23 Plaintiff's motion to compel Travelers to produce documents previously withheld as privileged and
24 instructed Defendant to produce documents responsive to Plaintiff's document requests, that were
25 previously withheld on grounds of privilege, within 30 days unless an objection to the order is filed.
26 *See* ECF No. 227. On June 14, 2017, Defendant filed an objection to the motion to compel order.
27 ECF No. 230.

28 Plaintiff requests an additional 90 day extension of discovery from the date Defendant

1 produces documents responsive to Plaintiff's document requests that were previously withheld on
2 grounds of privilege. Defendant Travelers argues that Plaintiff failed to demonstrate good cause
3 and failed to request an extension in a timely manner. Third-Party Defendant requests a stay of the
4 dispositive motion deadline pending a ruling on Plaintiff's underlying motion.

5 The Court does not find good cause to grant Plaintiff's request for a 90 day extension of
6 discovery at this time. However, if the Court's order granting Plaintiff's motion to compel
7 Travelers to produce documents previously withheld as privileged is upheld upon objection and if
8 additional discovery is necessary, then Plaintiff may seek to reopen discovery. The Court,
9 therefore, denies Plaintiff's request to reopen discovery without prejudice and subject to a ruling on
10 Defendant's objection upholding the Court's motion to compel order. Further, the Court will stay
11 the dispositive motion deadline pending a ruling on Defendant's objection (ECF No. 230).
12 Accordingly,

13 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Reopen Limited Discovery (ECF
14 No. 276) is **denied**, without prejudice, in accordance with the foregoing.

15 **IT IS FURTHER ORDERED** that the October 9, 2017 dispositive motion deadline is
16 hereby stayed pending a ruling on Defendant's objection (ECF No. 230). The parties shall file
17 proposed scheduling orders regarding the dispositive motion deadline and joint pretrial order
18 deadline no later than fourteen (14) days following issuance of an order on Defendant's objection
19 (ECF No. 230).

20 DATED this 3rd day of October, 2017.

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23 GEORGE FOLEY, JR.
24 United States Magistrate Judge
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